IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 6.6.2007

Coram:

The Hon'ble Mr.JUSTICE S.RAJESWARAN

C.R.P.(NPD) No.113 of 2003

S.Lourduraj .. Petitioner

vs.

Henry .. Respondent

Revision Petition filed against the order dated 31.10.2002, passed in R.C.A.No.1/2002 on the file of the appellate authority (Principal Sub-Judge, Mayiladuthurai) modifying the order dated 8.1.2002 made in R.C.O.P.No.7/2000, on the file of the rent controller (Principal District Munsif) Mayiladuthurai.

For Petitioner : Mr.P.Rajagopal

For Respondent : Mr.S.V.Jayaraman,
Senior Counsel, for
Mr.S.Sounthar.

ORDER:

This Revision Petition has been filed against the order dated 31.10.2002, passed in R.C.A.No.1/2002 on the file of the appellate authority (Principal Sub-Judge, Mayiladuthurai) modifying the order dated 8.1.2002 made in R.C.O.P.No.7/2000, on the file of the rent controller (Principal District Munsif) Mayiladuthurai.

2.The tenant is the revision petitioner. He is aggrieved by the order of the appellate authority in RCA No.1/2002 by which fair rent was fixed for the petition premises at Rs.1,250/-.

3.The landlord filed RCOP No.7/2000 for fixing the fair rent of the petition premises under Sec.4 of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960, hereinafter called 'the Act'. It was resisted by the tenant by contending that there was no landlord-tenant relationship between the parties and questioning such relationship, he has already filed Civil Revision Petition in CRPNo.2102/1999 and the same was pending. On merits the

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tenant submitted that he himself made some improvements in the property with the consent of the owner's brother and therefore the same should be taken into consideration at the time of fixing the fair rent. The rent controller on the basis of the evidence let in held that the building is 60 year-old and the cost of construction came to Rs.99,134/-. The rent controller has also considered the amount spent by the tenant in making improvements and made necessary adjustments in this regard. After finding that the total area came to an extent of 2520 sq.ft., the rent controller fixed the value of the land on the basis of the guideline value and fixed the fair rent at Rs.1,500/- per month. In the appeal filed by the tenant in RCA No.1/2002, the appellate authority while concurring with the rent controller, found fault with the valuation of land by the rent controller on the basis of the guideline value, fixed the fair rent at Rs.1,250/- per month. Aggrieved by the same, the tenant has filed the above Civil Revision Petition.

4.Heard the learned counsel for the tenant and the learned Senior Counsel for the landlord. I have also perused the documents filed and the judgment referred to in support of their submissions.

5.After going through the orders of the authorities below and the records, I am of the considered view that the appellate authority has correctly applied his mind in fixing the fair rent at R.1,250/- per month. Obviously the rent controller has erred in law in fixing the value of the land on the basis of the guideline value. The Full Bench of this court has held in 2006 (2)CTC 433(Sakthi & Co. vs. Sri Desigachari) that guideline value cannot form a foundation to determine the market value of the property. The appellate authority has kept this principle in mind and arrived at the value of the land on the basis of Ex.B1 and accordingly valued the building and fixed the fair rent at Rs.1,250/- per month.

6.For the aforesaid reasons, I do not find any merits in this Civil Revision Petition and the same is therefore dismissed. No costs.

sks

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Rent Control Appellate Authority,
(The Principal Subordinate Judge)
Mayiladuthurai,

2. The Rent Controller,
(Principal District Munsif)
Mayiladuthurai.

3. The Section Officer,
VR Section, High Court,
Madras.

+ 1 cc to Mr. S. Sounthar, Advocate SR No. 32979

NG(CO)
SR/9.8.2007

order,
C.R.P.(NPD)113/03.

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